

**AN ORDINANCE  
BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AMENDING THE ATLANTA CODE OF ORDINANCES , ATLANTA OUTDOOR FESTIVALS ORDINANCE OF 2000, SECTION 138-187, BY DELETING THE DEFINITION OF "CITY-SPONSORED" IN ITS ENTIRETY AND REPLACING IT WITH A NEW DEFINITION OF "CITY-SPONSORED"; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Atlanta Outdoor Festivals Ordinance of 2000 is located in Atlanta Code of Ordinances section 138-186 through 138-209 (hereinafter the "Festivals Ordinance"); and

**WHEREAS**, in section 139-188(b), the Festivals Ordinance provides that Outdoor Festivals that are "city-sponsored" are exempt from the requirements of the Festivals Ordinance; and

**WHEREAS**, in section 139-187, the Festivals Ordinance defines "city-sponsored" as "a public event that is directly related to a recognized function of city government and which is in major part initiated, financed and executed by the City"; and

**WHEREAS**, in a June 13, 2006 decision by the Eleventh Circuit Court of Appeals, in the case of *Camp Legal Defense Fund, Inc. vs. the City of Atlanta, et al.*, the federal appeals court found the City's exemption for city-sponsored events to be unconstitutional because of the nature of how the City defined "city-sponsored". The court explained that outdoor festivals are a form of free speech, protected by the Constitution. The court found that the Festival Ordinance's definition of "city-sponsored" "lacks narrow, objective, and definite standards to guide the application of the (city-sponsored) exemption", thereby allowing the City to give city-sponsored status to messages that it wishes to encourage. The court found that without objective criteria, the City would have the ability to discriminate based on the viewpoint of the speaker or the content of the speech; and

**WHEREAS**, the City wishes to re-define "city-sponsored" so that it meets the standards described in the *Camp* decision.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**Section 1.**

Atlanta Code of Ordinances, section 138-187 shall be modified by deleting in its entirety the following:

*"City-sponsored event* means a public event that is directly related to a recognized function of city government and which is in major part initiated, financed and executed by the City."

and replacing it with the following:

*“City-sponsored event* means an Outdoor Festival that is determined by the Chief of Staff to meet one of the two following criteria:

- (1) an Outdoor Festival that is executed entirely by the City and/or its contractors and/or consultants, and that is fully financed by the City and/or by sponsors obtained by the City; or
- (2) an Outdoor Festival:
  - (a) that is executed entirely by an entity that assumes complete or partial responsibility for maintaining and/or improving a City park or facility for one year or greater at no cost to the City, pursuant to a written agreement with the City, or an Outdoor Festival that is executed by said entity’s contractors and/or consultants; and
  - (b) where all of the net proceeds from the Outdoor Festival are utilized by the entity to perform maintenance and/or improvement of a City park or facility.

An Outdoor Festival Application must indicate whether the applicant deems the event to be City-sponsored, and if so, must provide a written explanation of how the Outdoor Festival meets one of the two criteria set forth in this definition. The Chief of Staff shall review the written explanation and shall be the final decision maker as to whether the Outdoor Festival is approved as being City-sponsored. Where the Chief of Staff determines that the Outdoor Festival meets one of the criteria set forth in this definition, s/he must approve the Outdoor Festival as City-sponsored. Where the Chief of Staff determines that the Outdoor Festival does not meet either of the criteria set forth in this definition, s/he must deny the Outdoor Event’s request of being deemed City-sponsored.”

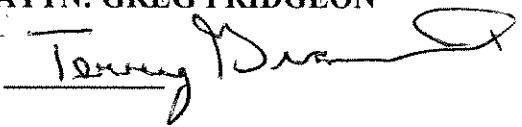
**Section 2.** All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): TERRY GRANDISON



Contact

Number: 6946

Originating Department: Law

Committee(s) of Purview: Community Development and Human Resources  
Committee       

Council

Deadline: 8/14/06

Committee Meeting Date(s): 8/29 -8/30 Full Council Date: 9/05/06


Commissioner Signature Roge Rharbari

**CAPTION**

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REPLACING IT WITH A NEW DEFINITION OF "CITY-SPONSORED"; AND FOR  
OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by Mayor's Office: 8.15.06  Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)